

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

YVES CONSEANT,

Plaintiff,

v.

ST. LOUIS UNIVERSITY HIGH
SCHOOL,

Defendant.

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No. 4:23-CV-1113 SPM

MEMORANDUM AND ORDER

This matter comes before the Court *sua sponte*. Plaintiff paid the filing fee in this matter on September 8, 2023.¹ Because plaintiff paid the filing fee in this matter, he is responsible for service pursuant to Federal Rule of Civil Procedure 4.

Discussion

Plaintiff filed this employment discrimination action on September 5, 2023, against his former employer, St. Louis University High School, under Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. §§ 2000e, *et seq.* Because plaintiff paid the full filing fee, he is responsible for properly serving defendant pursuant to Rule 4 of the Federal Rules of Civil Procedure.

Listed below are two options for service of process. Plaintiff must follow one of these two options.

Option 1: Plaintiff may serve defendant with a summons. To do so, plaintiff must submit to the Court: i) a filed-stamped copy of his complaint; ii) two (2) completed summons forms (AO Form 440); and iii) two (2) completed “Notice of Intent to Use Private Process Server” forms.

¹Due to a docketing error, plaintiff’s filing fee was not docketed in this matter until October 5, 2023.

The “Notice of Intent to Use Private Process Server” form must include the name and address of the process server who will be effectuating service upon defendant. Plaintiff must complete these forms and return them to the Clerk’s Office. Once plaintiff submits these forms, the Clerk’s Office will sign and seal his summons and return them to him. The summons must then be served upon defendant by a private process server, and return of service must be filed with the Court. Attached to this Order are the necessary forms for service of the complaint by summons.

In the alternative,

Option 2: Plaintiff has the option of electing to serve defendant with the Waiver of Service form pursuant to Federal Rule of Civil Procedure 4(d). If plaintiff uses this option, he must fill out two (2) Waiver of Service forms and send them, along with a copy of the complaint and a self-addressed and stamped envelope, to defendant.² The Court will order the Clerk to forward these forms with the copy of this Order. If defendant chooses not to waive service, plaintiff will then need to use a private process server as described above in Option I.

Pursuant to Federal Rule of Civil Procedure 4(m), plaintiff must effectuate service within ninety (90) days of the filing of his complaint or risk dismissal of the complaint, without prejudice.

Accordingly,

²If plaintiff chooses to serve defendant by waiver, he should file a notice with the Court informing the Court of his intention. Additionally, after defendant signs one copy of the waiver and returns it to plaintiff, plaintiff should file his copy of the signed waiver with the Court.

IT IS HEREBY ORDERED plaintiff must effectuate service in accordance with Rule 4 of the Federal Rules of Civil Procedure within ninety (90) days of the filing date of his complaint or risk dismissal of this action, without prejudice.

A handwritten signature in black ink, appearing to read "Shirley Padmore", written over a horizontal line.

SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 12th day of October, 2023.